

The Honorable Thomas S. Zilly

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

SHANE HAWLEY ,

Plaintiff,

V.

NEIL A BROOME; WORLD WRESTLING ENTERTAINMENT, INC.; EVENT SERVICES, INC.; NEP BROADCASTING, LLC; NEP BROADCASTING, LLC d/b/a NEP SCREENWORKS and/or SCREENWORKS NEP; SCREENWORKS, LLC; and NEP SUPERSHOOTERS, LP,

## Defendants.

No. 2:11-cv-1916-TSZ

ANSWER AND AFFIRMATIVE  
DEFENSES OF WORLD  
WRESTLING ENTERTAINMENT,  
INC. AND EVENT SERVICES, INC.  
AND JURY DEMAND

WORLD WRESTLING ENTERTAINMENT, INC. and EVENT SERVICES, INC.

demand a jury pursuant to FRCP 38(b) and Answer Plaintiff's Complaint as follows:

1. The allegations of paragraphs 1.1 through 3.5 are denied for lack of knowledge or information sufficient to form a belief about the truth of the allegations.

2. For answer to the allegations of paragraphs 3.6 and 3.7, defendants admit they are corporations with the principal place of business in Connecticut and qualified to do business in the State of Washington; and the remaining allegations are denied.

ANSWER, AFFIRMATIVE DEFENSES AND  
JURY DEMAND No. 2:11-cv-1916-TSZ - 1

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3. For answer to the allegations of paragraphs 4.1 through 6.2, these answering defendants admit that on or about February 14, 2009 WWE and ESI were preparing to present a wrestling event at the Key Arena in Seattle, Washington when plaintiff was injured; and all remaining allegations are denied.

## AFFIRMATIVE DEFENSES

BY WAY OF FURTHER ANSWER, and without admitting any matters previously denied, defendants allege the following affirmative defenses:

1. Plaintiff's damages, if any, were proximately caused by the negligence or fault of the plaintiff, and any damages allowed should be barred or diminished by the percentage of contributory fault attributable to plaintiff.

2. Plaintiff has failed to mitigate his damages, if any, by failing to protect himself from avoidable consequences.

3. Plaintiff's damages, if any, were proximately caused or contributed to by the acts or omissions of third parties over whom these answering defendants had no control.

4. Pursuant to RCW 4.22 et seq., and the laws of the State of Washington, these answering defendants are entitled to an allocation of fault and a determination of the proportionate share of all persons and/or entities causing damages for which recovery is sought.

5. That the conduct by defendant alleged to be negligent was not performed by any agent of defendant but by an independent contractor.

ANSWER, AFFIRMATIVE DEFENSES AND  
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## PRAYER FOR RELIEF

WHEREFORE, having answered plaintiff's complaint, defendants pray for judgment as follows:

- (A) That plaintiff's complaint be dismissed with prejudice;
- (B) For reasonable attorney's fees and taxable costs incurred in defending this cause;  
and,
- (C) For such other relief as this court may deem just and equitable.

DATED this 12<sup>th</sup> day of December, 2011.

## SCHEDLER BOND, PLLC

By \_\_\_\_\_/s\_\_\_\_\_

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ANSWER, AFFIRMATIVE DEFENSES AND  
JURY DEMAND No. 2:11-cv-1916-TSZ - 3

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